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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,137	12/15/2003	Yoshikazu Kawamoto	1341.1165	9242

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EXAMINER

AU, GARY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,137	<b>Applicant(s)</b> KAWAMOTO, YOSHIKAZU	
	<b>Examiner</b> Gary Au	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 7, 12 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The new element in the claims "Flicker Frequency" is not described or supported in the specification and therefore constitutes new matter.

Correction is required.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer) and further in view of admitted prior art.

Considering claims 7 and 21, Baer teaches a portable communication apparatus (wireless device 110 – figure 1, col. 2 lines 17-34), comprising: a radio communication unit that performs communication over a first radio wave (first transceiver 150 – figure 1, col. 4 lines 20-45); a detection unit that detects second wave having a predetermined frequency (second transceiver 152 – figure 1, col. 46-53) in a predetermined area (restricted wireless zone 102 – figure 1, col. 2 lines 17-34); and a stop control unit that stops the radio communication unit from performing a communication function when the detection unit detects the second wave having the predetermined frequency (col. 5 lines 35-49).

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the second wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting to the right frequency.

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6. Claims 1-3, 8, 12, 13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer) and further in view of US Patent No. 6,985,729 (Fujii) and further in view of admitted prior art.

Considering claim 1, Baer teaches a portable communication apparatus (wireless device 110 – figure 1, col. 2 lines 17-34), comprising: a radio communication unit that performs communication over a first radio wave (first transceiver 150 – figure 1, col. 4 lines 20-45); a detection unit that detects a second wave having a predetermined frequency (second transceiver 152 – figure 1, col. 46-53) in a predetermined area (restricted wireless zone 102 – figure 1, col. 2 lines 17-34); and a stop control unit that stops the radio communication unit from performing a communication function (col. 5 lines 35-49). However, Baer does not disclose a notification unit that notifies a user of the portable communication apparatus with a notification when the detection unit detects the second wave having the predetermined frequency, the notification indicating that the portable communication apparatus is present in the predetermined area; and stops the radio communications unit according to an instruction from the user.

In an analogous art, Fujii teaches notifying the user is present in the predetermined area (col. 15 line 58 – col. 16 line 10) and stops the connection according to an instruction from the user (col. 9 lines 10-13).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Baer's system to include notifying the user is present in the predetermined area and stops the connection according to an instruction from the user, as taught by Fujii, for the advantage of allowing the user to make selections.

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However, the combined system of Baer and Fujii does not teach that the second wave having a predetermined flicker frequency.

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the second wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting to the right frequency.

Considering claim 12, Baer teaches a portable communication apparatus (wireless device 110 – figure 1, col. 2 lines 17-34), comprising: a radio communication unit that performs communication over a first radio wave (first transceiver 150 – figure 1, col. 4 lines 20-45); a detection unit that detects a second wave having a predetermined frequency (second transceiver 152 – figure 1, col. 46-53) in a predetermined area (restricted wireless zone 102 – figure 1, col. 2 lines 17-34), and that determines an attribute of the predetermined area (RWZ transceiver 126 – figure 1, col. 3 lines 14-35); a stop control unit that stops the radio communication unit from performing a communication function, and that stops the radio communication unit from performing the communication function when the attribute indicates the prohibited area (col. 5 lines 35-49). However, Baer does not disclose a notification unit that notifies a user of the portable communication apparatus a notification when the attribute indicates a warning area adjacent to a prohibited area, the notification indicating that the portable

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communication apparatus is present in the warning area and stops the radio communication unit according to an instruction from the user.

In an analogous art, Fujii teaches notifying the user is present in the predetermined area (col. 15 line 58 – col. 16 line 10) and stops the connection according to an instruction from the user (col. 9 lines 10-13).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Baer's system to include notifying the user is present in the predetermined area and stops the connection according to an instruction from the user, as taught by Fujii, for the advantage of allowing the user to make selections.

However, the combined system of Baer and Fujii does not teach that the second wave having a predetermined flicker frequency.

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the second wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting to the right frequency.

Considering claim 2, Fujii further teaches the stop control unit receives the instruction from the user for a predetermined period after the notification is notified (col. 9 lines 10-13).

Considering claims 3, 8 and 13, Baer further teaches the second wave includes an electromagnetic wave (col. 3 lines 14-36).

Considering claim 17, Baer further teaches a stop cancellation unit that allows the radio communication unit to perform the communication function when the detection unit does not detect the second wave after the communication function is stopped (col. 8 lines 12-21).

Considering claim 18, Baer further teaches a storage unit that receives information to be transmitted over the first radio wave after the stop cancellation unit allows the radio communication unit to perform the communication function and that stores the information (memory 156 – figure 1, col. 4 lines 54-61).

Considering claim 19, Baer further teaches an alternative communication unit that holds alternative communication over a medium other than the first radio wave when the communication function is stopped (second transceiver 152 – figure 3, col. 5 lines 35-49).

7. Claims 4-6, 9-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer), US Patent No. 6,985,729 (Fujii) and admitted prior art as applied to claims 1, 7 and 12 above, and further in view of US Patent Application No. 2004/0087318 (Lipovski).



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As to claims 4, 9 and 14, the combine system of Baer and Fujii teaches the electromagnetic wave but fails to disclose the wave frequency defined as light.

In an analogous art, Lipovski teaches the wave frequency defined as light (infrared, [0017]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the wave frequency defined as light, as taught by Lipovski, for the advantage of muting devices in restricted area.

As to claims 5, 10 and 15, the combined system of Baer of Fujii teaches the electromagnetic wave but fails to disclose the wave frequency defined as infrared.

In an analogous art, Lipovski teaches the wave frequency defined as infrared (infrared, [0017]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the wave frequency defined as infrared, as taught by Lipovski, for the advantage of muting devices in restricted area.

As to claims 6 and 16, the combined system of Baer of Fujii teaches the wave but fails to disclose the second wave includes an ultrasonic wave.

In an analogous art, Lipovski teaches the second wave includes an ultrasonic wave [0018]).

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It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include the second wave includes an ultrasonic wave, as taught by Lipovski, for the advantage of muting devices in restricted area.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bear et al. (6,782,266) and admitted prior art and in view of US Patent Application No. 2004/0087318 (Lipovski).

As to claim 11, the combined system of Baer teaches the wave but fails to disclose the second wave includes an ultrasonic wave.

In an analogous art, Lipovski teaches the second wave includes an ultrasonic wave [0018]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer to include the second wave includes an ultrasonic wave, as taught by Lipovski, for the advantage of muting devices in restricted area.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,782,266 Baer et al. (Baer), US Patent No. 6,985,729 (Fujii) and admitted prior art as applied to claim 17 above, and further in view of US Patent No. 6,760,605 Vannel et al. (Vannel).

As to claim 20, the combined system of Baer and Fujii teaches stopping the communication unit but fails to disclose restarting the communication function.

In an analogous art, Vannel teaches restarting the communication function (col. 5 lines 28-31).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Baer and Fujii to include restarting the communication function, as taught by Vannel, for the advantage of getting the system in default mode (col. 5 lines 28-31).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA

  
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